IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

WP(C).No. 27872 of 2006(R)

OA.291/2001 of DEBT RECOVERY TRIBUNAL, ERNAKULAM
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PETITIONER:
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1. M/S. KAIRALI TEA PLANTATIONS PVT. LTD.,
MARTHOMA BUILDINGS, THIRUVALLA.

2. M.K.SAMUEL,
MANAGING DIRECTOR, KAIRALI TEA PLANTATIONS
PVT. LTD., MOZHACHERRIL HOUSE,
KATTOOKKARA, THIRUVALLA.

3. MRS. MARY SAMUEL,
MOZHACHERRIL HOUSE, KATTOOKKARA, THIRUVALLA.

4. KURUVILA SAMUEL,
MOZHACHERRIL HOUSE, KATTOOKKARA, THIRUVALLA.

BY ADV. SRI.K.P.SREEKUMAR
SRI.P.M.SATHEESH
SRI.GIREESH VARMA.R.

RESPONDENTS:
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1. UCCO BANK,
THIRUVALLA BRANCH, REPRESENTED BY ITS
BRANCH MANAGER.

2. THE DEBT RECOVERY TRIBUNAL,
KERALA, ERNAKULAM.

BY ADV. SRI.GEORGE KARITHANAM VARGHESE, SC
SRI.JOSE KURIAKOSE (VILANGATTIL)
SRI.V.J.JOHN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)No. 27872/06

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF ORDER DATED 27/1/06 IN W.P.(C)No. 2149/06.

P2 : COPY OF LETTER OF THE RESPONDENT Bank DATED 01/8/06 WITH THE TERMS AND CONDITIONS ANNEXED THERETO.

P3 : COPY OF THE ORDER DATED 11/8/06 OF THE DRT.

P4 : COPY OF I.A.NO. 1487/2006 BEFORE THE DRT.

P5 : COPY OF I.A.NO. 1488/2006 THE AFFIDAVIT ACCOMPANYING THAT PETITION AND THE ANNEXURES.

P6 : COPY OF I.A. NO. 1480/2006 FILED BY THE 1ST RESPONDENT Bank.

P7 : COPY OF ORDER DATED 31/8/2006 IN I.A.NO. 1487/2006.

P8 : COPY OF THE ORDER OF THE HON'BLE HIGH COURT OF KERALA DATED 14/02/2007 IN W.P.(C)No. 4972/2007.

P9 : COPY OF THE ORDER DATED 26/02/2007 PASSED BY THE HON'BLE DEBTS RECOVERY TRIBUNAL, ERNAKULAM IN I.A.No. 212/2007 IN O.A.291/2001.

P10 : COPY OF REPRESENTATION DATED 29/5/2007 FILED BY THE PETITIONERS BEFORE THE TAHSILDAR, PEERUMEDU TALUK FOR ISSUE OF NIJASTITI CERTIFICATE.

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 27872 of 2006

Dated, this the 7th day of June, 2007

J U D G M E N T

Heard learned counsel for the petitioner and learned Standing Counsel appearing for the Bank. Since petitioner has paid around rupees one crore out of the OTS amount of Rs. 1.27 crores, six weeks' time is granted to the petitioner from today, in terms of the prayer, to settle balance liability, failing which DRT will proceed further. Further proceedings will remain stayed for six weeks for the petitioner to settle liability. If liability is not settled as above, DRT is free to issue sale certificate and recovery officer will proceed for sale of the property. If petitioner does not make payment as above, Bank is free to withdraw OTS benefit granted to him.

This WP(C) is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg